

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Don Carroll, Chair; Dale Weis, Vice-Chair; Janet Sayre Hoeft, Secretary; Paul Hynek, First Alternate; Randy Mitchell, Second Alternate

PUBLIC HEARING BEGINS AT **1:00 P.M.** ON THURSDAY SEPTEMBER 13, 2012, ROOM 205, JEFFERSON COUNTY COURTHOUSE

CALL TO ORDER FOR BOARD MEMBERS IS AT 9:45 A.M. IN COURTHOUSE ROOM 203, PRIOR TO THE HEARING

SITE INSPECTION FOR BOARD MEMBERS LEAVES AT 10:00 A.M. FROM COURTHOUSE ROOM 203, PRIOR TO THE HEARING

1. Call to Order-Room 203 at 9:45 a.m.

Meeting called to order @ 9:48 a.m. by Carroll.

2. Roll Call

Members present: Don Carroll, Janet Sayre Hoeft

Members absent: Dale Weis

Staff: Michelle Staff, Laurie Miller

3. Certification of Compliance with Open Meetings Law Requirements

Hoeft acknowledged publication. Staff also presented proof of publication.

4. Review of Agenda

Hoeft made motion, seconded by motion carried 2-0 to approve the review of the agenda.

5. Approval of August 9, 2012 Meeting Minutes

Hoeft made motion, seconded by Carroll motion carried 2-0 to approve the August 9, 2012 meeting minutes.

6. Communications - None

7. Site Inspections – Beginning at 10:00 a.m. and Leaving from Room 203

8. Public Hearing – Beginning at 1:00 p.m. in Room 205

Hearing called to order @ 1:00 p.m. by Carroll

Members present: Don Carroll, Janet Sayre Hoeft

Members absent: Dale Weis

Staff: Michelle Staff, Laurie Miller

The following was read into the record by Hoeft:

NOTICE OF PUBLIC HEARING JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

NOTICE IS HEREBY GIVEN that the Jefferson County Zoning Board of Adjustment will conduct a public hearing at 1:00 p.m. on Thursday, September 13, 2012 in Room 205 of the Jefferson County Courthouse, Jefferson, Wisconsin. Matters to be heard are applications for variance from terms of the Jefferson County Zoning Ordinance. No variance may be granted which would have the effect of allowing in any district a use not permitted in that district. No variance may be granted which would have the effect of allowing a use of land or property which would violate state laws or administrative rules. Subject to the above limitations, variances may be granted where strict enforcement of the terms of the ordinance results in an unnecessary hardship and where a variance in the standards will allow the spirit of the ordinance to be observed, substantial justice to be accomplished and the public interest not violated. Based upon the findings of fact, the Board of Adjustment must conclude that: 1) Unnecessary hardship is present in that a literal enforcement of the terms of the ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome; 2) The hardship is due to unique physical limitations of the property rather than circumstances of the applicant; 3) The variance will not be contrary to the public interest as expressed by the purpose and intent of the zoning ordinance. **PETITIONERS, OR THEIR REPRESENTATIVES, SHALL BE PRESENT.** There may be site inspections prior to public hearing which any interested parties may attend; decisions shall be rendered after public hearing on the following:

V1394-12 – Monte & Amy Olszewski: Variance from Sec. 11.04(f) 6 to temporarily allow two single-family residences in an A-1 Agricultural zone at **W4153 CTH B**. The site is on PIN 008-0715-1714-002 (1.246 Acres) in the Town of Farmington.

Monte Olszewski presented his petition. There were no questions or comments in favor or opposition of the petition. There was a town response in the file in favor of the petition which was read by Hoeft.

Staff gave staff report and questioned the petitioner if there was a specific date the old house was to be removed. Petitioner explained.

Carroll asked for clarification on the lot. Staff explained. Hoeft questioned staff on farm consolidation. Staff explained and also explained the requirements of the replacement of the residence. Carroll questioned the petitioner if he would be okay if a time frame was set as a condition.

V1395-12 – Pond Hill Dairy: Variance to sanction an existing manure storage structure and allow a new manure storage structure closer to a lot line than the 350 foot setback required by ATCP51. The site is at **N1014 Poeppel Road** in the Town of Koshkonong, on PIN 016-0514-2041-000 (35 Acres) in an A-1 Agricultural zone.

Terry Beggs, representing Pond Hill Dairy, presented the petition. There were no questions or comments in favor or opposition of the petition. There was a letter in the file from the town indicating they do not require review regarding the updated animal siting and proposed new barn and manure basin. The letter also indicated that the town supports the county zoning requirements regarding this request, and would not require a hearing.

Staff explained the town's response, gave staff report, explained the new requirements, and what was previously allowed. Staff questioned the petitioner if the basins would be connected, and if it would be any closer than what was there now. Petitioner responded.

Carroll questioned what effect there would be if it would be moved back. Petitioner explained. Carroll also noted the extreme drop-off and questioned where the proposed would be in relation to the existing lagoon. Hoeft questioned the location of the lagoon and the location of the proposed lagoon. Hoeft noted the proposed new building. Staff explained the manure channel in the building. Carroll commented on the drawing in the file, and questioned the petitioner on the line leading to the lagoon.

V1396-12 – Timothy A Weber: Variance to amend approval granted by V1224-07 with a current home addition proposal. The site is at **N1029 Glen Oaks Road** in the Town of Sumner, on PIN 028-0513-1934-016 (0.537 Acres) in a Residential R-1 zone.

Tim Weber presented the petition. There were no questions or comments in favor or opposition of the petition. There was a response in the file from both the town plan

commission and the town board indicating that they were in favor of the petition which was read into the record by Hoeft.

Staff gave staff report giving the history of the previous variance. Staff questioned the petitioner on the proposed square footage and the second story addition. Petitioner explained.

Hoeft questioned staff on the height restrictions. Carroll questioned the existing shed and how it is accessed. Petitioner explained. Carroll commented on the access of the shed. Petitioner clarified.

9. Decisions on Above Petitions (See files)

10. Adjourn

Motion was made by Hoeft, seconded by Carroll, motion carried 2-0 to adjourn @ 1:53 p.m.

If you have questions regarding these matters, please contact the Zoning Department at 920-674-7113 or 920-674-8638.

The Board may discuss and/or take action on any item specifically listed on the agenda.

JEFFERSON COUNTY ZONING BOARD OF ADJUSTMENT

Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 at least 24 hours prior to the meeting so appropriate arrangements can be made.

A digital recording of the meeting will be available in the Zoning Department upon request.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO.: 2012 V1394

HEARING DATE: 09-13-2012

APPLICANT: Monte & Amy Olszewski

PROPERTY OWNER: SAME

PARCEL (PIN #): 008-0715-1714-002

TOWNSHIP: Farmington

INTENT OF PETITIONER: To permit more than one principal structure on the property temporarily while a proposed home is being constructed.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)(6) OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

The Jefferson County Zoning Ordinance only allows one principal structure on a property, and the petitioner is proposing to temporarily have two principal structures on the property. The petitioner is proposing a new home, but would like to continue to live in the existing home until the new residence is completed. The petitioner has asked the existing home remain on the property until the spring of 2013.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT_____
-
- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINSTRATIVE RULES: _____
-
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

1. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE it would be unnecessarily burdensome to be able to efficiently operate the farm during construction.

2. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the 2012 land division.

- 3.
4. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it will be a structure that complies with the building requirements.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS GRANTED.

MOTION: Hoeft **SECOND:** Carroll **VOTE:** 2-1

CONDITIONS OF APPROVAL: The old home is to be removed within 2 years of the expiration of the land use permit.

SIGNED: _____ DATE: 09-13-2012
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO.: 2012 V1395

HEARING DATE: 09-13-2012

APPLICANT: Pond Hill Dairy

PROPERTY OWNER: SAME

PARCEL (PIN #): 016-0514-2041-000, 016-0514-2044-000

TOWNSHIP: Koshkonong

INTENT OF PETITIONER: To construct a new manure storage facility within 350' of a property line and to sanction an existing structure within 350' of the lot line.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.04(f)6 & 11.05(d) OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

Pond Dairy is expanding their animal units, and for the expansion, they are required to meet ATCP 51 requirements. The facility currently has a manure storage basin that was constructed before the implementation of ATCP 51 that is 85 feet from the property line, whereas the required setback of ATCP 51 for a manure storage basin is 350' from the property line. To expand this manure storage basin, it must meet the current required 350' setback. In addition, the petitioners would like to construct a new manure basin and a transfer channel within 170 feet of the lot line, whereas the required setback is 350'.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT_____
-
- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINSTRATIVE RULES: _____
-
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

5. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE it would be a hardship because of the proximity to the existing and proposed facilities, existing basins, & topography
6. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE of the topography
7. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it is dedicated to an ag farm operation. The areas surrounding are farmland.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS GRANTED.

MOTION: Hoeft **SECOND:** Carroll **VOTE:** 2-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ DATE: 09-13-2012
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

PETITION NO.: 2012 V1396

HEARING DATE: 09-13-2012

APPLICANT: Timothy Weber

PROPERTY OWNER: SAME

PARCEL (PIN #): 028-0513-1934-016

TOWNSHIP: Sumner

INTENT OF PETITIONER: The petitioner would like to build an addition to an existing residence which was granted a variance in 2007.

THE APPLICANT REQUESTS A VARIANCE FROM SECTION 11.11(d) OF THE JEFFERSON COUNTY ZONING ORDINANCE.

THE FEATURES OF THE PROPOSED CONSTRUCTION AND PROPERTY WHICH RELATE TO THE GRANT OR DENIAL OF THE VARIANCE APPLICATION ARE:

On February 8, 2007, the Board of Adjustment granted a variance to sanitation a garage addition too close to the lot line on the north side of the residence. The petitioner is proposing a 1,388 square foot addition on the existing residence. The addition is located on the south side of the residence and will meet the required 10 foot setback in an R-1 zone.

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspections conducted. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARING: See tape, minutes & file.

DECISION STANDARDS

- A. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING IN ANY DISTRICT A USE NOT PERMITTED IN THAT DISTRICT_____
-
- B. NO VARIANCE MAY BE GRANTED WHICH WOULD HAVE THE EFFECT OF ALLOWING A USE OF LAND OR PROPERTY WHICH WOULD VIOLATE STATE LAWS OR ADMINSTRATIVE RULES: _____
-
- C. SUBJECT TO THE ABOVE LIMITATIONS, VARIANCES MAY BE GRANTED WHERE STRICT ENFORCEMENT OF THE TERMS OF THE ORDINANCE RESULTS IN AN UNNECESSARY HARDSHIP & WHERE A VARIANCE IN THE STANDARDS WILL ALLOW THE SPIRIT OF THE ORDINANCE TO BE OBSERVED, SUBSTANTIAL JUSTICE TO BE ACCOMPLISHED, & THE PUBLIC INTEREST NOT VIOLATED.

BASED ON THE FINDINGS OF FACT, THE BOARD CONCLUDES THAT:

8. UNNECESSARY HARDSHIP **IS** PRESENT IN THAT A LITERAL ENFORCEMENT OF THE TERMS OF THE ZONING ORDINANCE **WOULD** UNREASONABLY PREVENT THE OWNER FROM USING THE PROPERTY FOR A PERMITTED PURPOSE OR WOULD RENDER CONFORMITY WITH SUCH RESTRICTIONS UNNECESSARILY BURDENSOME BECAUSE the hardship was imposed by previous zoning requirements/actions.
9. THE HARDSHIP **IS** DUE TO UNIQUE PHYSICAL LIMITATIONS OF THE PROPERTY RATHER THAN THE CIRCUMSTANCES OF THE APPLICANT BECAUSE there is no other place to construct. It meets side yard & height limitations.
10. THE VARIANCE **WILL NOT** BE CONTRARY TO THE PUBLIC INTEREST AS EXPRESSED BY THE PURPOSE AND INTENT OF THE ZONING ORDINANCE BECAUSE it is an improvement and is no incursion on the neighbors.

A VARIANCE MAY BE GRANTED IF ALL THESE CONDITIONS ARE MET

DECISION: THE REQUESTED VARIANCE IS GRANTED.

MOTION: Hoeft **SECOND:** Carroll **VOTE:** 2-0

CONDITIONS OF APPROVAL/DENIAL:

SIGNED: _____ DATE: 09-13-2012
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.